

ANIMAL CONTROL

35 Attachment 1

City of New Carrollton

Exhibit A Animal Control Regulations, 2010

ARTICLE I Definitions

As used in and for the purposes of these regulations, the following words and phrases shall have the meanings assigned to them herein:

ABANDON — The act of allowing an animal that is owned, kept, or maintained by a person or persons to be left in any place without making provisions for its adequate and continued care; to neglect or refuse to provide for or perform legal obligations for the care and support of an animal; or to refuse to pay for treatment or other services without an assertion of good cause. The act of abandonment shall constitute the relinquishment of all rights and claims by the owner to such animal.

ADEQUATE CONTROL — To have such control over an animal so as to reasonably restrain or govern an animal so that the animal does not injure itself, any person, or any other animal or property.

ADEQUATE FOOD — The provision, at suitable intervals of not more than twelve (12) hours, unless the dietary requirements of the species require a longer interval, of a quantity of wholesome foodstuff, suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, all of which foodstuff is served in a safe receptacle, dish, or container.

ADEQUATE HOUSING — The continuous provision of a sanitary facility, protection from the extremes of weather conditions, proper ventilation, and appropriate space, depending on the species of animal, as defined by regulations of the U.S. Department of Agriculture.

ADEQUATE WATER — The provision, either continuously or at intervals suitable to the species, which intervals shall not exceed eight (8) hours, of a supply of potable water in a safe receptacle, dish, or container of sufficient volume to maintain the health and safety of the animal. Snow and ice are not considered an adequate source of water.

ADMINISTRATOR OF ANIMAL CONTROL — The City Administrative Officer or his/her designee who shall be authorized to supervise the operation of the animal control program.

ANIMAL — Every vertebrate nonhuman species of animal, both domesticated and wild, male and female, including but not limited to dogs, cats, livestock and fowl.

ANIMAL CONTROL COMMISSION — The Animal Control Commission of Prince George's County, Maryland.

NEW CARROLLTON CODE

ANIMAL CONTROL OFFICER — Any civilian employee of the City designated by the City Manager for the purpose of enforcing this chapter.

AT LARGE — An animal not on the premises of its owner/custodian and not otherwise leashed or physically restrained so as to prevent direct contact with people or other animals.

CAT — Domesticated felines. The term “cat” shall not include wild or exotic felines.

CRUELTY — Any act of commission or omission whereby unjustifiable physical harm or pain, suffering or death is caused or permitted, including failure to provide to an animal adequate food, care, housing, water, or veterinary care. In the case of an activity in which physical pain is necessarily caused, such as food processing, hunting, experimentation, or pest elimination, cruelty shall mean the failure to employ the most reasonable humane method available under the circumstances.

CUSTODIAN — Any person or persons responsible for the control and care of an animal in the temporary or permanent absence of the owner.

DISPOSITION — The adoption or placement as a pet in an approved home, humane administration or performance of euthanasia or, in the case of a wild animal, release into a suitable habitat.

DOG — Any member of the domesticated canine species, male or female.

DOMESTICATED ANIMALS — Shall mean and include animals which by long, continued association with man have become thoroughly tame or domesticated, including, but not limited to, cats, dogs, ferrets, horses, ponies, mules, goats, cattle, sheep, swine, poultry, rabbits, guinea pigs, hamsters, gerbils, chinchillas, domesticated mice and rats, fish, caged birds and other animals, which, by habit or training, live in association with man.

EUTHANASIA — The act or practice of putting an animal to death in a humane or instantaneous manner under guidelines and procedures approved by the American Veterinary Medical Association. This term shall also mean the act of humane disposal or humane destruction.

EXOTIC ANIMALS — Any animal of a species that is not indigenous to the state and is not a domesticated animal.

FACILITY — Any building or structure other than a private residence in which animals are maintained, including, but not limited to, any single pet shop, commercial kennel, cattery, riding school, stable, farm, or combination thereof.

FOWL — Any and all fowl, domesticated and wild, male and female.

IMPOUNDMENT — The taking into custody of an animal by the Animal Control Officer or other duly authorized person(s) designated by the City Administrative Officer.

ANIMAL CONTROL

KEEPING OR HARBORING — The act or permitting or sufferance, by an owner or occupant of real property, of feeding and/or sheltering any domesticated animal on the premises of the occupant or owner thereof.

MINIMUM (ADEQUATE) CARE — Care sufficient to preserve the health and well-being of an animal and which, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:

- A. Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.
- B. Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Snow or ice is not an adequate water source.
- C. Access to a doghouse or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun and which has adequate bedding to protect against cold and dampness.
- D. Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.
- E. Space adequate for exercise necessary for the health of the animal and which allows access to a dry place for the animal to rest. The air temperature of any confined area must be suitable for the animal confined. Confinement areas must be kept reasonably clean and free from excess waste or other contaminants that could affect the animal's health.

MUNICIPAL INFRACTION — A civil violation, as defined by this chapter and subject to the issuance of a civil citation pursuant to the provision of Article 23A of the Annotated Code of Maryland and to the provision of this Code.

NEGLECT — The act of an owner or custodian of failing to provide minimum (adequate) care and/or adequate control to an animal, which results in substantial harm to the animal, creation of a public nuisance, or harm to other persons.

OWNER — In addition to its ordinary meaning, any person who keeps, has temporary or permanent custody of, possesses, harbors, exercises control over or has a property right in any animal, livestock or fowl, provided that veterinary hospitals, commercial kennels and pet shops and their employees shall not be considered to be owners to the extent hereinafter provided. The term "owner" shall include the keeper of an animal, even if said keeper has no property interest in the animal. A parent or guardian of a minor child who comes within this definition shall also be deemed to be the owner of the animal.

PERMIT — Shall mean and include, when used as a verb, human conduct in relation to an owned animal which is intentional, deliberate, careless, inadvertent or negligent.

PET — A domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, dogs, cats, birds, reptiles, and other animals which, by habit or training, live in association with man.

NEW CARROLLTON CODE

PREMISES — Property owned by the owner or custodian of an animal(s), not including common property of a condominium, planned residential unit development, or homeowners' association that is designated by resolution or other appropriate document of such condominium, development, or association as being property other than that of individual owners or members.

PUBLIC NUISANCE —

- A. The actions of an animal, the actions of an owner of an animal, or a condition created by or related to the keeping of an animal that unreasonably annoys humans; endangers the life or health of other animals or persons; gives offense to human senses; or substantially interferes with the rights of the citizens, other than its owner, to enjoyment of life or property. The term "public nuisance" shall mean and include, but is not limited to, any animal that:
- (1) Is repeatedly found at large; or
 - (2) Damages the property of anyone other than its owner; or
 - (3) Molests pedestrians; or
 - (4) Chases vehicles; or
 - (5) Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or
 - (6) Causes fouling of the air by odor and causes thereby unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or
 - (7) Attacks other domestic animals; or
 - (8) Has been found by the Animal Control Commission, after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety; or any situation that
 - (9) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or
 - (10) By virtue of the number or types of animals maintained, is offensive or dangerous to the public health, safety, or welfare.
- B. "Public nuisance" shall also mean an unsanitary, dangerous, or offensive condition occurring in any facility, including, but not limited to, any commercial kennel, cattery, hog pen, riding stable, farm, pet shop, or petting zoo, caused by the size, number, or types

ANIMAL CONTROL

of animals maintained, kept or harbored on any premises, or due to the inadequacy of the facilities, or by reason of the manner or method of holding, confining, restraining, boarding, or training animals. A public nuisance shall be deemed to exist in any facility or establishment which maintains, keeps or harbors any animal under conditions that constitute cruelty to such animals or where the animal maintained, kept or harbored is a public nuisance animal.

RESTRAINT — A leash, lead, cage or enclosure by which an animal is secured by an individual of sufficient size, strength and maturity so as to prevent direct contact with people or other animals.

SANITARY — A condition of good order and cleanliness which reduces the probability of transmission of disease.

SERVICE ANIMAL — Any animal assisting a person with a disability, as defined in the Americans with Disabilities Act.

VACCINATION — An antirabies vaccination using a vaccine type approved by the State Department of Health and Mental Hygiene or the State Public Health Veterinarian.

VICIOUS OR DANGEROUS ANIMAL — Any animal that without provocation inflicts severe injury on, or kills, a human being either on public or private property; any animal previously declared to be potentially dangerous as evidenced by the unprovoked infliction of moderate injury upon a human being while on either public or private property on more than one (1) occasion; or the unprovoked killing, or infliction of greater than mild injury on, a domestic animal while at large on more than one (1) occasion; or the unprovoked infliction of mild injury on a human being or domestic animal while at large on more than two (2) occasions within a six-month period; or any animal declared to be dangerous or like term by any other jurisdiction pursuant to definitions and standards of dangerous that are substantially similar to those set forth in this chapter.

ARTICLE II Animal Control Program

A. Authorization.

- (1) The City Administrative Officer is hereby authorized to establish an animal control program and designate a person to perform the duties of Animal Control Officer. The animal control program shall include the enforcement of the provisions of this chapter. The City program shall operate in conjunction with and support of the animal control program of the county.
- (2) The animal control program shall be conducted in accordance with the provisions of this chapter, policy guidelines set forth by the City Council and approved annual appropriations.

B. Duties.

NEW CARROLLTON CODE

The animal control program, under the direction of the City Administrative Officer, shall enforce the provisions of this chapter with respect to animal control and prevention of cruelty to animals and shall conduct the following programs:

- (1) A program of regular patrols and response to citizen complaints for the purpose of taking into custody or otherwise humanely disposing of animals of all kinds running at large.
- (2) A program for the investigation of complaints of cruelty to animals, and the enforcement of the cruelty prevention provisions of this chapter and of state law.

C. Powers of Animal Control Officers.

Animal Control Officers are authorized and empowered to enforce the provisions of this chapter as follows:

- (1) By impounding animals found to be at large, injured or diseased.
- (2) By issuing citations to persons in violation of those provisions of this chapter declared to be municipal infractions.
- (3) By issuing written complaints to the County Animal Control Commission concerning any animal which is a public nuisance animal or against any person in violation of provisions of the County Council laws not in conflict with provisions of this chapter.
- (4) By notifying the New Carrollton police of any violations or by appearing before a magistrate to file complaints for violation of any provisions of this chapter which are declared to be misdemeanors.
- (5) By enforcing the cruelty prevention provisions of this chapter by rescuing and impounding mistreated animals.
- (6) By administering emergency veterinary assistance or first aid to injured animals which come into the custody of the City, without the consent of the owner or owners of such animals. For this purpose, neither the individual Animal Control Officer administering such emergency assistance or first aid nor the City nor any of its employees or agents shall be liable for acts committed or omitted in the course of rendering such emergency assistance or first aid.
- (7) By distributing printed animal control regulations and otherwise providing animal control information to persons who own or may own pets or other animals.
- (8) By accepting abandoned animals, arranging for adoption of abandoned animals, and otherwise making humane placement of animals coming into the control of the Animal Control Officer.
- (9) By enforcing the provisions of this chapter as defined therein.

ANIMAL CONTROL

- (10) When not engaged in animal control activities, the officer shall be empowered and is expected to enforce the parking codes and ordinances of the City as a parking enforcement officer.

D. Authority to seek search warrant.

Any Animal Control Officer, or other duly authorized City employee, may seek a warrant from the appropriate court to enable the City to enter private property in order to inspect, care for, or impound neglected or abused animals or to otherwise investigate or inspect for suspected violations of this chapter.

E. Authority to seek court-ordered action or relief.

When, in the opinion of the Animal Control Officer, or other duly authorized City employee, it is necessary to protect an animal, person or the general public from actions that constitute nuisance, neglect or cruelty, the City may seek from a court of appropriate authority an emergency order seeking relief from the condition(s) causing or suspected to cause the nuisance, neglect or act of cruelty.

F. Powers of police officers and code enforcement officers.

Police officers of the City shall be authorized and empowered to perform all the duties of Animal Control Officers as set forth in Article II, Subsection C, of this Code and shall enforce any provisions of this chapter which are misdemeanors. Code enforcement officers who are not police officers but are authorized to issue citations for violation of municipal infractions shall be authorized and empowered to perform all the duties of Animal Control Officers.

G. Animal Control Commission.

The Animal Control Commission of the county shall be the Animal Control Commission for the City for the purpose of taking such animal control actions within the City as may be authorized by the Prince George's County Code and which are not in conflict with or exempted by the provisions of this chapter.

H. Records.

Accurate and detailed records of all licenses issued, impoundments, care, feeding and veterinary treatment rendered; disposition of animals; enforcement actions; and other activities relating to animals and animal control undertaken shall be kept and maintained for a period of three (3) years after each activity. The City Administrative Officer shall promulgate regulations prescribing the records to be kept and the manner and method of their maintenance.

NEW CARROLLTON CODE

ARTICLE III

Impoundment of Animals

A. Animal control facility.

- (1) The City Administrative Officer shall establish an animal control facility for the City. Subject to the approval of the City Council, the county animal control facility may serve as the City animal control facility until such time as a City-operated facility may be required or a facility operated by a private or nonprofit organization may be selected.
- (2) The City Administrative Officer shall promulgate regulations for the operation of the animal control facility for the housing, feeding, care, veterinary treatment, adoption and release for treatment or humane destruction of animals.
- (3) Any diseased or injured animals impounded by the City or brought to the animal control facility shall be provided veterinary care or special treatment, either at the facility or by transporting it to the county animal control facility, doctor of veterinary medicine, or a care facility operated by a humane society. The City, the county, and their employees and agents, and any veterinarian who renders veterinary care or veterinary nursery care or prescribes or administers medication, shall not be held civilly liable for acts committed or omitted in rendering such care or in rendering such medication.
- (4) Any unclaimed or unwanted animal held at the animal control facility for more than five (5) workdays shall be considered abandoned and may be released to a county Animal Control Officer or to the county animal control facility for humane disposal or destruction.
- (5) No animal in the custody of the City shall be sold or released for commercial or experimental purposes.

B. Impoundment authorized.

- (1) An animal found at large in violation of the provisions of this chapter shall be impounded, except as otherwise provided in this chapter, and taken to the animal control facility and there confined in a humane manner for a period of not less than five (5) workdays, unless sooner claimed and released to its owner. In addition to or in lieu of impounding an animal found at large, an Animal Control Officer, or police officer or code enforcement officer, or other duly authorized person may issue to a known owner of such animal a municipal infraction citation.
- (2) Any resident of the City may take up any animal found running at large and deliver it to an Animal Control Officer or other authorized person for impounding. Any resident impounding an animal found running at large shall promptly deliver the animal to an Animal Control Officer or notify the City Police Department of the impoundment.

ANIMAL CONTROL

- (3) In addition, impoundment is authorized for any of the following:
- (a) Any animal found to create or cause a public nuisance, when the owner fails to abate the animal's actions or otherwise relieve the nuisance, after the Animal Control Officer has issued notice and reasonable time to abate the nuisance has been provided.
 - (b) Any animal determined to be a vicious or dangerous animal.
 - (c) Any animal that is in violation of any quarantine or confinement order of the Animal Control Commission, Health Department official, or other government authority.
 - (d) Any unattended animal that is ill, injured or otherwise in need of care.
 - (e) Any exotic animal owned or harbored in violation of City, county or state law.
 - (f) Any animal suspected of having rabies.
 - (g) Any animal that is charged with being vicious or dangerous or potentially dangerous where it is determined by the Animal Control Officer that there is a threat to public health and safety.
 - (h) Any animal that the Animal Control Commission has ordered impounded or destroyed.
 - (i) Any animal that has been ordered removed from the City.
 - (j) Any animal that is or has been abused and neglected and, in the opinion of the Animal Control Officer, must be impounded for the safety of the animal.

C. Notice.

Upon impounding an animal, a prompt and reasonable effort shall be made to notify the owner of the impounded animal of the location of the animal, procedures to claim the animal, and any applicable fees or fines owed by the owner. A notice may be served either by delivering it to the owner or by leaving it at or mailing it to the owner's usual or last known place of abode or the address given on the animal's collar. When convenient, the notice may be given by telephone to the owner. A listing of all impounded animals shall be maintained by the Animal Control Officer and at the New Carrollton police station and shall be available for review by any citizen upon request. Whenever feasible and practicable, notices of found animals shall be publicized on the City website and government TV channels and otherwise made available to the general public.

D. Fees for impounding, board and care of animals; release of impounded animals.

NEW CARROLLTON CODE

- (1) Prior to the release of any animal in the custody of the City animal control facility to the owner, the owner or owners of the animal shall pay the following fees as applicable:
 - (a) An impound fee of twenty-five dollars (\$25).
 - (b) A boarding fee of twenty dollars (\$20) for each calendar day or portion thereof the animal is retained at the animal control facility.
 - (c) All expenses incurred by the City in conjunction with the providing of veterinary care for the animal plus an administrative processing fee of twenty-five percent (25%).
 - (d) All fines or fees levied against the owner for actions of the owner related to the impounded animal or for actions of the impounded animal.
- (2) An administrative fee may be charged against a person adopting an animal from the City, and the person adopting the animal shall be required to pay any City or county license fee prescribed by this chapter and to prepay the cost of rabies vaccination.
- (3) An animal impounded by the City may be redeemed by an owner upon payment of fees and fines as set forth in this chapter; placed for adoption if abandoned or unclaimed; set loose in a suitable habitat if wild; humanely euthanized; or transferred to the county animal control facility for humane disposal or destruction or adoption, if suitable.
- (4) Prior to an animal's being redeemed by its owner, the owner shall pay all fees and fines due, demonstrate proof of ownership of the animal, demonstrate current licensure of the animal, and comply with any conditions of redemption, if so ordered by the Animal Control Commission.
- (5) An animal may not be released if otherwise prohibited by another animal control law or regulation.

E. Injured animals; prompt euthanasia.

When a seriously injured or suffering animal is taken into custody by an Animal Control Officer, the animal may be taken to a veterinarian for an examination. If, in the opinion of the Animal Control Officer or his/her designee, it is in the best interests of the animal that the animal be destroyed, the Animal Control Officer or his/her designee may promptly authorize humane euthanasia of the animal. The cost of any veterinary care or veterinary consultation, ordered by the Animal Control Officer, shall be an obligation of the owner of the animal.

F. Interference with impounding of animals.

ANIMAL CONTROL

No person shall willfully prevent or obstruct the impounding of any animal authorized to be impounded by the provisions of this chapter by an Animal Control Officer or police officer, nor shall any person take or attempt to take any animal out of the animal control facility without the consent of the Animal Control Officer or his/her designees. Any violation of this section is a municipal infraction subject to a fine of two hundred fifty dollars (\$250).

G. Unclaimed animals.

If or when an animal control facility is established by the City, any domesticated animal which is impounded and not reclaimed by its owner within five (5) workdays shall be deemed abandoned. Abandoned animals may be transferred to the county animal control facility for humane disposal or destruction unless a request for adoption of the animal is received from a responsible person. The City Administrative Officer shall promulgate procedures for the adoption of animals which shall provide assurance that the animal to be adopted receives necessary rabies vaccination, such veterinary care as may be necessary, and, if required, is licensed.

H. Records of impounded animals.

- (1) The Animal Control Officer shall keep complete and accurate records of the breed, color, sex and condition of any animal impounded in the animal control facility or transferred to the county facility and shall record whether or not the animal is licensed.
- (2) If an animal impounded in the animal control facility or transferred to the county facility is licensed, the Animal Control Officer shall record the name and address of the owner and the number of the license tag.
- (3) The Animal Control Officer shall keep complete and accurate records of the care, feeding, etc., while in the City's custody.

ARTICLE IV Animal Control Regulations

A. Manner of keeping animals; prohibition of public nuisances.

- (1) No person shall keep or maintain any animal in the City in such a manner as to disturb the peace, comfort or health of any person residing in the City or to permit the animal to be a public nuisance or to cause or permit the animal to cause a public nuisance.
- (2) No owner or custodian of an animal or operator of any animal holding facility shall fail to abate a nuisance caused by any animal owned by the person or under the person's control, nor shall any person fail to abate a public nuisance condition found to exist upon the premises owned or controlled by the person, after having been notified by an Animal Control Officer or other law enforcement officer.

NEW CARROLLTON CODE

(3) Upon finding any person in violation of this section, any person authorized to enforce these regulations may file a written complaint or violation notice with the County Animal Control Commission.

(4) Any violation of this section shall be a municipal infraction.

B. Public nuisances.

An owner of an animal is in violation of this chapter if such animal constitutes a public nuisance or is a menace to public health or safety, including an animal:

- (1) That is at large, unless said animal is off leash in a City-designated off-leash dog park;
- (2) That interferes with the freedom of movement of persons in a public right-of-way or chases motor vehicles in a public right-of-way;
- (3) That attacks, without provocation, any person or other animal on public or private property, whether or not an injury occurs;
- (4) That makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or to others in close proximity to the premises where the animal is kept or harbored;
- (5) Whose owner/custodian fails to maintain sanitary conditions in enclosures or surroundings, thereby causing unreasonable annoyance or discomfort to neighbors or to others in close proximity to the premises where the animal is kept or harbored;
- (6) Whose owner allows the animal(s) to cause an unsanitary, dangerous, or offensive condition because of the size or number of animals in a single location or because a facility is not appropriate for the animal or properly maintained;
- (7) Whose owner allows an animal(s) to act in any other way that the Animal Control Officer finds would cause any other public nuisance;
- (8) That is present on school grounds during the period of one (1) hour before school through one (1) hour past the normal school hours, without the prior permission of the person in charge of the administration of the school; or in violation of any school property, unless under the restraint of an adult, parent or guardian intended to pick up or drop off a student, unless otherwise prohibited by school policy;
- (9) That is present in any section of a park or recreation area or facility, unless authorized by park authorities;

ANIMAL CONTROL

- (10) That is present on any public recreation area, other than those areas set forth in this section, unless the animal is controlled by a leash or other suitable physical restraint;
- (11) That is a female in heat and not secured so as to prevent contact with other animals, except for planned breeding. Additionally, an owner of an unaltered male animal shall be responsible for the control of the male animal to prevent contact with the female animal in heat.

C. Excessive noise prohibited.

- (1) No person who owns, keeps, or has in his possession any animal of any kind whatsoever shall permit such animal to disturb the quiet of any person or neighborhood. Permitting an animal to disturb the quiet of any person or neighborhood, or failure to keep any animal from causing frequent or long continued noise, to the disturbance of the comfort or repose of any person or neighborhood, is declared to be a public nuisance and detrimental to the public health and welfare.
- (2) Any person disturbed by a noisy animal shall first advise the owner or custodian who keeps such animal of the fact that the animal, by causing frequent or long continued noise, is disturbing the complainant and the neighborhood.
- (3) No owner or custodian shall fail to abate a nuisance caused by the frequent, habitual or long continuing noise of an animal after having been notified in accordance with this section. If any person fails to abate such nuisance, a complaint with respect to such nuisance may be filed by any person with the County Animal Control Commission or with the Animal Control Officer.
- (4) Any violation of this section shall be a municipal infraction.

D. Running at large prohibited.

- (1) Dogs, cats, other animal pets and domesticated animals shall be confined to the premises of their owners except when under the immediate and effective control of a responsible person. Animals kept outdoors on the premises of their owners shall be kept within a fenced enclosure of suitable design to prevent the animal from escaping or shall be placed under the restraint of a leash secured to a fixed object. All dogs upon public streets, sidewalks, public parks or other public areas shall be under the restraint of a leash or lead. Any animal that is not confined or restrained as hereinabove required shall be deemed to be running at large.
- (2) It shall be a municipal infraction for the owner or custodian of an animal to fail to confine or restrain the animal in accordance with the provisions of this section.
- (3) Any animal observed to be running at large within the City may be impounded.

NEW CARROLLTON CODE

- (4) In addition to or in lieu of impounding an animal running at large, an Animal Control Officer or authorized person may issue a citation for municipal infraction to the owner or custodian of the animal when the owner or custodian is known or subsequently identified.
- (5) Any Animal Control Officer, police officer or other agent authorized or empowered to perform any duty under this chapter may pursue any animal at large or running at large and may go upon any premises for impounding the animal at large or running at large. If the animal returns to the premises of its owner, the Animal Control Officer or police officer may pursue the animal upon the unenclosed exterior premises of the owner. If the owner or custodian takes the animal within the enclosed portion of his or her premises, the Animal Control Officer or police officer shall cease pursuit of the animal but notify the owner or custodian that the animal was in violation of the regulations and issue a citation for municipal infraction to the owner or custodian.

E. Confinement of animals in heat.

When a female dog or cat is in estrus or in a condition commonly known as “in heat,” its owner or custodian shall prevent its contact with another dog or cat or the attraction of dogs or cats to the premises in which the female dog or cat is kept. Every female cat or dog in heat shall be confined in a building or secure enclosure in such manner that the female dog or cat cannot come into contact with a male dog or cat, except for intentional breeding purposes. Any violation of this section shall be a municipal infraction.

F. Defecation; removal of excrement.

No person owning, keeping or having custody of a dog, except a service dog, shall allow or permit excrement of such dog to remain on private property without the consent of the owner or occupant thereof or upon public property, public walks, recreation area, public streets or other public ways. Any person having custody or control of an animal which leaves excrement upon such public or private property shall cause the excrement to be removed immediately. Any violation of this section shall be a municipal infraction.

G. Liability for injury to or destruction of an animal at large.

The City, its employees and agents shall not be held civilly liable for acts committed or omitted as a result of subduing or taking custody of any animal found to be at large or running at large; as a result of subduing, taking custody of or destroying any animal that is in the act of pursuing, attacking or wounding a human or another animal; or as a result of subduing, taking custody of or destroying any animal that has been determined by the County Animal Control Commission to be a dangerous, fierce or vicious animal.

H. Disposal of animal carcasses.

- (1) The owner or custodian of an animal may not deposit or leave such animal upon its death on public property or the property of another person. All such dead animals shall be promptly disposed of by cremation, burial or other sanitary means.

ANIMAL CONTROL

- (2) The Animal Control Officer, upon request of any person, shall pick up dead dogs, cats, and other small domestic animals for disposal.
- (3) In addition to other assigned duties, Animal Control Officers shall collect all dead animals found on City-owned property or streets and shall dispose of such carcasses. Animal Control Officers may destroy critically sick and injured animals found on public property. At the request of the owner of the sick or injured animal, the Animal Control Officer may destroy or cause to have humanely euthanized critically sick or injured animals, if in the judgment of the Animal Control Officer such animal could not reasonably be treated for its illness or injury. If the Animal Control Officer arranges for the humane euthanasia pursuant to the request of an owner, the owner shall be responsible for any costs associated thereof, including disposal of the animal's remains.

I. Keeping wild or exotic animals.

Unless a license is first obtained from the county for the keeping or displaying of wild and exotic animals, no person shall keep or permit to be kept on his or her premises as a pet or for breeding or for display or exhibition purposes any wild or exotic, vicious or dangerous animals, any poisonous snake, poisonous reptile or other poisonous or venomous animal, or any skunk, raccoon, fox, bear, member of the cat family other than the domestic cat, or opossum. Any violation of this section shall be a misdemeanor.

J. Rabies control.

- (1) No person shall own or harbor a dog or cat over the age of four (4) months in the City without a valid rabies certificate as approved by the County Health Department.
- (2) A report of the circumstances of a person's being bitten by an animal shall be made promptly to the City or County Police Department by anyone having personal knowledge of the incident. The police shall within twenty-four (24) hours notify the County Administrator of Animal Control and the Health Officer of the details of the incident.
- (3) Any animal biting any person shall be confined in accordance with the regulations of the county and the state.
- (4) Any animal found to be rabid or suspected of having rabies shall be reported to the County Administrator of Animal Control and the Health Officer and shall be confined in accordance with county and state regulations.
- (5) When a quarantine is ordered for domesticated animals within any area of the City by the State Secretary of Agriculture, the State Public Health Veterinarian or the County Health Officer, no domesticated animal shall be taken from confinement or permitted in the streets or other public areas except in such manner as may be permitted under the quarantine regulations.

NEW CARROLLTON CODE

- (6) Any violation of this section shall be a municipal infraction subject to a fine of two hundred fifty dollars (\$250).

(State Law Reference: Rabies control, Anno Code of Md., Health-General Article, § 18-312 et seq.)

ARTICLE V

Vicious or Dangerous Animals

A. Vicious or dangerous animals.

- (1) It shall be the duty of the Police Department and of the Animal Control Officer to receive and investigate complaints concerning vicious or dangerous animals. Whenever an animal complained against shall be deemed by the Police Department or the Animal Control Officer to be a possible vicious or dangerous animal, the officer or agency shall report the fact to the County Animal Control Commission in the form of a written complaint.
- (2) If any vicious or dangerous animal as determined by the County Animal Control Commission shall be found at large or running at large and cannot be taken up or tranquilized and impounded, such animal may be slain by any Animal Control Officer, police officer or other authorized and appropriately trained agent.
- (3) It shall be a violation of this section for an owner or custodian to knowingly or unknowingly allow or permit any vicious or dangerous animal as determined by the Police Department, the Animal Control Officer, the Animal Control Commission, or any other authorized agent to be found at large or running at large.
- (4) Any violation of this section shall be a municipal infraction subject to a fine of five hundred dollars (\$500) for a first violation and one thousand dollars (\$1,000) for any and each subsequent violation.

B. Confinement of vicious or dangerous animals.

- (1) Every vicious or dangerous animal and any animal that has a history of biting and any animal that has a history of biting incidents involving persons or animals shall be confined by the owner or custodian within a building or secure enclosure. The animal shall not be taken out of such building or secure enclosure unless securely restrained.
- (2) Every animal determined by the County Animal Control Commission to be vicious or dangerous shall be confined by the owner in a building or secure enclosure and shall not be taken out of the building or secure enclosure unless securely restrained, muzzled, or caged as necessary.
- (3) No dog that has been determined to be a vicious or dangerous dog shall be upon any street or public place, except while securely confined by an adequate leash and humanely muzzled so that it shall be impossible for it to tear or otherwise wound

ANIMAL CONTROL

with its teeth any human or animal, and it shall be in the charge of a responsible person.

- (4) Any violation of this article by the owner or custodian of an animal shall be a municipal infraction and subject to a fine of five hundred dollars (\$500) for a first violation and one thousand dollars (\$1,000) for any and each subsequent violation.

ARTICLE VI Neglect and Cruelty

A. Neglect and cruelty prohibited.

It shall be illegal for any person(s) to cause or permit any animal to suffer neglect or act(s) of cruelty. Violations of this article shall be considered municipal infractions, subject to a fine of five hundred dollars (\$500) for a first violation and one thousand dollars (\$1,000) for any and each subsequent violation.

B. Neglect and cruelty in general.

- (1) Whenever it becomes necessary, in order to protect any animal from neglect or cruelty, any police officer or Animal Control Officer may take possession of said animal. If an animal is impounded, yarded or confined and continues without adequate food, housing, water or care, or is cruelly treated or neglected, any police officer or Animal Control Officer may enter into and upon any place in which the animal is impounded, yarded or confined and supply it with necessary food, housing, water and care so long as it there remains, or, if necessary for the health of the animal, may remove the animal, and not be liable to any action for that entry or for taking possession of the animal. In all cases the owner or custodian of the animal shall be notified of that action and of any administrative remedies that may be available to the owner or custodian. The owner or custodian may file within ten (10) days a request in writing with the City Manager for the return of the animal. If the owner or custodian is not notified and fails to file the petition within the time prescribed, or if the owner or custodian is unknown and cannot within reasonable effort be ascertained for a period of twenty (20) days, the animal shall be held to be abandoned and be dealt with as such. Nothing in this section shall be construed as permitting the entry into a private dwelling without appropriate permission or court order.
- (2) The Animal Control Officer, police officer, or other agent authorized or empowered to perform any duty under this chapter may issue to the owner and custodian of any animal found to be suffering from or the victim of neglect or abuse a municipal infraction citation as set forth in this article.

(State Law Reference: Cruelty to animals, Anno Code of Md., Art. 27, § 59 et seq.¹)

C. (Reserved)

¹ Editor's Note: Article 27 was repealed by Acts 2003, c. 5, §§ 1, effective 10-1-2003. See now §§ 10-602 to 10-608 of the Criminal Law Article of the Annotated Code of Maryland.

NEW CARROLLTON CODE

D. Injuring or poisoning of animals.

- (1) Any person who accidentally or otherwise strikes an animal with any motor vehicle and injures or kills the animal shall immediately notify the police or the Animal Control Officer of the location of the accident.
- (2) No person may willfully poison any animal, except that any person may use poison in a careful and humane manner to destroy vermin, including but not limited to rats, mice and insect pests.

(State Law Reference: Giving poison or ground glass to dogs, Anno. Code of Md., Art. 27, § 69²)

E. (Reserved)

F. Neglect and cruelty to animals.

- (1) It shall be unlawful for any person to willfully and unjustifiably kill, wound, injure, torture, torment, tease, molest, bait, overdrive, overwork, deprive of adequate food, water or housing, mutilate, poison, abandon or subject to conditions detrimental to its health or general welfare any animal.
- (2) It shall be unlawful for any person to keep animals under unsanitary or inhumane conditions, to fail to provide adequate care or reasonably clean quarters, or to fail to provide proper medical attention for sick, diseased or injured animals. Adequate care shall comprise, but not be limited to, the following:
 - (a) Food shall be wholesome, palatable and free from contamination. It shall be of sufficient quantity and nutritive value as to maintain all animals in good health.
 - (b) Clean, potable water shall be available at times and quantities sufficient to maintain health for all animals. Any water receptacle shall be kept clean and sanitary; be of appropriate size and design for the animal; and be positioned to prevent spillage. Ice and snow shall not be considered a suitable source of water.
 - (c) All animals shall be able to stand to their full height, stretch out, turn around, lie down, and maintain postural adjustments comfortably.
 - (d) Animals shall be allowed to exercise and have freedom of movement as necessary to reduce stress and maintain physical condition.
 - (e) The continuous maintenance of a dog on a chain or tether less than fifteen (15) feet in length, positioned so that at its greatest length it prevents the dog from becoming entangled with any obstruction, from partially or totally

² Editor's Note: Article 27 was repealed by Acts 2003, c. 5, §§ 1, effective 10-1-2003. See now §§ 10-618 of the Criminal Law Article of the Annotated Code of Maryland.

ANIMAL CONTROL

jumping any fence, or from leaving any part of its owner's or custodian's property.

- (f) All animals shall have access to sufficient shade from the sun.
 - (g) All animals kept outdoors shall have access to weatherproof shelter. Between November 1 and March 30 and in inclement weather, dogs shall have available a structure having at a minimum three (3) sides, a roof and a solid floor, with a door or flexible flap of windproof material, and dry bedding such as cedar chips, hay or straw to provide insulation. Other animals shall have available a structure of a style suitable for the species in question and sufficient to keep out the elements.
 - (h) An animal shall be afforded immediate veterinary care if it is known or suspected to be ill or injured.
 - (i) Both indoor and outdoor enclosures shall receive cleaning as necessary to remove excreta and debris so as to minimize disease hazards, odor and danger to the animal.
 - (j) Animals with hair coats requiring grooming to prevent severe matting, filth accumulation and/or skin disease shall be groomed in accord with normal and accepted grooming practices.
- (3) It shall be unlawful for any person to promote, stage, hold, manage, conduct, carry on, or attend any illegal games, exhibition, contest, fight, or combat between one (1) or more animals or between animals and humans or to set free any animal for the purpose of chasing or having a race thereafter. This shall include but is not limited to hares or rabbits, cocks or other fowl, and dogs.
 - (4) It shall be unlawful for any person, partnership or corporation being the owner, possessor, or custodian of a dog, cat, or other domestic animal to abandon such animal.
 - (5) It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a motor vehicle under such conditions or for such period of time as to endanger the health or well-being of such animal due to temperature, lack of food, water or housing or such other conditions as may reasonably be expected to cause suffering, disability or death.
 - (6) It shall be unlawful, having struck and injured an animal while operating a motor vehicle, to fail to notify the police or Animal Control Officer of such accident or otherwise to make reasonable efforts to provide or cause to be provided appropriate care to an injured animal.

ARTICLE VII Pet Licenses

NEW CARROLLTON CODE

A. County dog and cat licenses.

- (1) Any dog or cat which is four (4) months of age or older kept within the City limits shall be licensed in accordance with the regulations of the county. The county dog or cat license tag shall be securely fastened to each dog's or cat's choke chain, collar or harness, which shall be worn by the dog or cat at all times other than when on the premises of its owner.
- (2) Whenever it comes to the attention of an Animal Control Officer, a police officer or other person authorized to enforce these regulations that a dog or cat is unlicensed, the unlicensed dog or cat shall be reported to the County Administrator of Animal Control.
- (3) It shall be a municipal infraction for the owner of any dog or cat required to be licensed by the county to fail to obtain a license for his or her dog or cat or to fail to place the license tag upon the dog or cat when the dog or cat is off the owner's premises.
- (4) The City Administrative Officer is authorized to enter into agreement with the County Department of Licenses and Permits for the taking of dog or cat license applications and application fees and the issuance of licenses on behalf of the county.

B. County dog licenses: Anno. Code of Md., Art. 56, § 191 et seq.³

³ Editor's Note: Article 56 of the Annotated code of Maryland was repealed by Acts 1996, c. 10, § 15, effective 4-9-1996. See Article 24, Title 11, Subtitle 5, of the Annotated Code of Maryland.